



5:21 pm, 5/10/21

**Margaret Botkins**  
**Clerk of Court**

**United States District Court  
For The District of Wyoming**

**Nancy D. Freudenthal, United States District Judge**

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Abby Logan, Courtroom Deputy  
Jan Davis, Court Reporter

May 10, 2021  
Cheyenne, WY

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.

Plaintiff's Attorneys:  
Christyne Martens/Nicole Romine  
Case No: 20-CR-45-F

CODY DONOVAN SMITH  
Defendant.

Defendant's Attorney:  
Alex Freeburg/Jeremy Hugus

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**COURTROOM MINUTES  
JURY TRIAL DAY 1**

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8:35 a.m. - 9:21 a.m. Pretrial matters discussed in with counsel. Motion to Reconsider denied by the Court.

10:09 a.m. Court begins. The Judge leads the courtroom in the Pledge of Allegiance.

10:11 a.m. Opening remarks by the Judge to the potential jurors.

10:12 a.m. Roll call taken by the Courtroom Deputy.

10:14 a.m. Courtroom Deputy issues oath to potential jurors to answer qualifying questions.

10:15 a.m. Qualifying questions asked by the Judge of the potential jurors.

10:18 a.m. All jurors deemed qualified by the Judge. Courtroom Deputy issues oath to potential jurors to qualify them as to the cause now in hearing.

10:19 a.m. The Judge introduces herself and her court staff to potential jurors. She explains the voir dire process to the potential jurors.

10:35 a.m. The Judge gives a brief overview of this case to the potential jurors and ask if anyone has any conflicts with this case in particular.

10:36 a.m. Christyne Martens introduces herself and those seated at counsel table with her. She also lists her witnesses in this case who are from Wyoming.

10:39 a.m. Alex Freeburg introduces himself and those seated at counsel table with him. He also lists his witnesses in this case who are from Wyoming.

10:41 a.m. Potential jurors introduce themselves.

10:55 a.m. Voir dire by the Judge.

10:59 a.m. Side bar held with a potential juror.

11:03 a.m. Court resumes. Voir dire continues.

11:05 a.m. Side bar held with a potential juror.

11:06 a.m. Court resumes. Voir dire continues.

11:20 a.m. Voir dire by Christyne Martens for the Government.

11:38 a.m. Voir dire by Jeremy Hugus for the Defendant.

11:54 a.m. Side bar held with counsel.

11:55 a.m. Court resumes. Peremptory Challenge Rounds 1 and 2.

12:03 p.m. Side bar held with counsel.

12:04 p.m. Court resumes. Jurors excused by the Judge. Replacement jurors called by the Courtroom Deputy.

12:07 p.m. The Judge informs everyone that she would like to take lunch recess at this time. Brief admonition issued to the potential jurors.

12:09 p.m. Court recessed for lunch break.

1:30 p.m. Court resumes. Voir dire continues.

1:34 p.m. Potential juror excused for cause. Replacement juror called by the Courtroom Deputy.

1:42 p.m. Side bar held with potential juror.

1:45 p.m. Court resumes. Side bar held with another potential juror.

1:47 p.m. Court resumes. Juror excused and a replacement juror called by the Courtroom Deputy. Voir dire continues.

1:50 p.m. Side bar held with a potential juror.

1:56 p.m. Court resumes. Voir dire continues.

2:00 p.m. Side bar held with counsel.

2:03 p.m. Court resumes. Voir dire continues.

2:05 p.m. Peremptory Challenge round 3.

2:10 p.m. Juror excused by the Judge. Replacement juror called.

2:12 p.m. Voir dire continues.

2:17 p.m. Side bar held with counsel.

2:18 p.m. Court resumes. Peremptory Challenge Round 4.

2:20 p.m. Jurors excused and replacement jurors are called by the Courtroom Deputy. Voir dire continues.

2:30 p.m. Side bar held with counsel.

2:31 p.m. Court resumes. Voir dire continues.

2:33 p.m. Peremptory Challenge Round 5.

2:35 p.m. Jurors excused and replacement jurors are called by the Courtroom Deputy. Voir dire continues.

2:40 p.m. Side bar held with potential juror.

2:43 p.m. Court resumes. Juror excused and a replacement juror is called by the Courtroom Deputy. Voir dire continues.

2:47 p.m. Side bar held with a potential juror.

2:52 p.m. Court resumes. Voir dire continues.

2:55 p.m. Side bar held with counsel.

2:56 p.m. Court resumes. Peremptory challenge Road 6.

2:59 p.m. Jurors excused and replacement jurors are called by the Courtroom Deputy. Voir dire continues.

3:04 p.m. Side bar held with a potential juror.

3:11 p.m. Court resumes. Voir dire continues.

3:13 p.m. Side bar held with counsel.

3:14 p.m. Court resumes. Jurors called forward for consideration in the alternate round.

3:16 p.m. Jurors called for consideration of the alternate excused by the Judge. Replacement jurors called by the Courtroom Deputy.

3:18 p.m. Voir dire continues.

3:21 p.m. Side bar held with a potential juror.

3:24 p.m. Court resumes. Juror called for consideration of the alternate excused by the Judge. Replacement juror called by the Courtroom Deputy.

3:25 p.m. Voir dire continues.

3:28 p.m. Side bar held with a potential juror.

3:33 p.m. Court resumes. Juror called for consideration of the alternate excused by the Judge.

3:35 p.m. Judge wishes to take afternoon break at this time. Brief admonition issued to the jury.

3:36 p.m. Court recessed for afternoon break.

3:47 p.m. Court resumes. Replacement juror called by the Courtroom Deputy. Voir dire continues.

3:52 p.m. Side bar held with counsel.

3:53 p.m. Court resumes. Peremptory Challenge final round.

3:55 p.m. Jurors excused, the other 2 asked to take their seats in the jury box. **JURY EMPANELED.** All remaining potential jurors excused by the Judge.

3:56 p.m. Jury sworn in by the Courtroom Deputy. Opening instructions given by the Judge to the jury.

4:19 p.m. Opening statement by Christyne Martens for the Government.

4:26 p.m. Opening statement by Alex Freeburg for the Defense.

4:39 p.m. Government Exhibit 1001 admitted by the Court.

4:40 p.m. **Government calls Agent Jacob Olson.** Sworn in by the Courtroom Deputy. Direct examination of Agent Olson by Christyne Martens for the Government.

5:01 p.m. Judge informs everyone that she wishes to take evening break at this time. Brief admonition issued to the jury.

5:02 p.m. Jury excused.

5:03 p.m. Court recessed until tomorrow (5/11/2021) at 8:30 a.m.